



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

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LOS ANGELES, CALIFORNIA 90012-2713

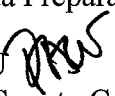
JOHN F. KRATTLI  
County Counsel

December 5, 2013

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TO: SACHI A. HAMAI  
Executive Officer  
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU   
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**  
**County Claims Board Recommendation**  
**Jacqueline Arce, et al. v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 420 124**

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:rfm

Attachments

## Board Agenda

### MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Jacqueline Arce, et al. v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 420 124, in the amount of \$400,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Children and Family Services' budget.

This lawsuit arises from an alleged wrongful detention of minors by the Department of Children and Family Services.

## **CASE SUMMARY**

### **INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION**

|                             |   |
|-----------------------------|---|
| CASE NAME                   | Jacqueline Arce, et al. v. County of Los Angeles, et al.  |
| CASE NUMBER                 | BC420124  |
| COURT                       | Los Angeles Superior Court  |
| DATE FILED                  | August 18, 2009   |
| COUNTY DEPARTMENT           | Department of Children and Family Services  |
| PROPOSED SETTLEMENT AMOUNT  | \$ \$400,000  |
| ATTORNEY FOR PLAINTIFF      | Clayton Averbuck<br>Jennifer Gysler<br>Monroy, Averbuck & Gysler  |
| COUNTY COUNSEL ATTORNEY     | Lauren M. Black<br>Principal Deputy County Counsel<br>Social Services Division  |
| NATURE OF CASE              | Plaintiff's allege the County and Department of Children and Family Services social workers violated their constitutional rights. |
| PAID ATTORNEY FEES, TO DATE | \$ \$94,077   |
| PAID COSTS, TO DATE         | \$ \$3,888  |

Case Name: Arce v. County of Los Angeles



## Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

|  |  |
|--|--|
| Date of incident/event:                              | September 2008 through March 2009  |
| Briefly provide a description of the incident/event: | The plaintiffs alleged that the County placed an improper hospital hold on their infant as the result of injuries to that child and that their three-year-old was illegally detained. Further, they alleged that they were harrassed until the dependency matter terminated and they refused further child welfare services. |

1. Briefly describe the root cause(s) of the claim/lawsuit:

The plaintiffs alleged that an improper hospital hold and warrantless detention occurred in the absence of exigent circumstances, consent or a legally obtained court order.

2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Department continues to ensure that its protocols complement the current state of the law and assists its workforce in providing appropriate and legally-sufficient child welfare services.

The Department had relevant policies and procedures in effect at the time of the incident.

County of Los Angeles  
Summary Corrective Action Plan

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3. Are the corrective actions addressing department-wide system issues?

☒ Yes – The corrective actions address department-wide system issues.

☐ No – The corrective actions are only applicable to the affected parties.

|                                     |       |
|-------------------------------------|-------|
| Name: (Risk Management Coordinator) |       |
| Signature:                          | Date: |

|                         |       |
|-------------------------|-------|
| Name: (Department Head) |       |
| Signature:              | Date: |

|  |         |
|--|---------|
| <b>Chief Executive Office Risk Management Inspector General USE ONLY</b>                         |         |
| Are the corrective actions applicable to other departments within the County?                    |         |
| <input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability. |         |
| <input type="checkbox"/> No, the corrective actions are applicable only to this department.      |         |
| Name: (Risk Management Inspector General)  |         |
| LEO COSTANTINO   |         |
| Signature:   | Date:   |
| AAA  | 9-30-13 |

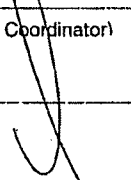
County of Los Angeles  
Summary Corrective Action Plan

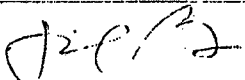
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3. Are the corrective actions addressing department-wide system issues?

☒ Yes – The corrective actions address department-wide system issues.

☐ No – The corrective actions are only applicable to the affected parties.

|  |                  |
|--|------------------|
| Name: (Risk Management Coordinator)<br>Brandon Nichols                                       |                  |
| Signature:  | Date:<br>9-26-13 |

|   |                  |
|---|------------------|
| Name: (Department Head)<br>PHILIP L. BROWNING   |                  |
| Signature:  | Date:<br>10-7-13 |

**Chief Executive Office Risk Management Inspector General USE ONLY**

Are the corrective actions applicable to other departments within the County?

☐ Yes, the corrective actions potentially have County-wide applicability.

☐ No, the corrective actions are applicable only to this department.

|   |       |
|---|-------|
| Name: (Risk Management Inspector General) |       |
| Signature:                                | Date: |